IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 2079 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri Anjan De, Advocate for the applicant.
Shri C.N. Adgokar, APP for the respondent.

CORAM : B.R. GAVAI, J.
10TH AUGUST, 2006

This is an application for grant of anticipatory bail. The applicant is apprehending his arrest in connection with the Crime No. 111/2006 for the offence punishable under Sections 498, 306 of the Indian Penal Code.

Heard the learned Counsel for the parties.

The allegation of the prosecution is that the deceased Sangita was given ill treatment by the present applicant and due to said ill treatment, she committed suicide. The deceased caught fire on 14th May, 2006. She was initially hospitalised with Sub District Hospital, Pandharkawda, She was thereafter shifted to the District Hospital, Yavatmal and thereafter again to Sewagram Hospital. She succumbed to her injuries on 20th May, 2006. The investigation was set in motion on the

complaint made by the brother of the deceased on 25th May, 2006.

Shri Anjan De, the learned Counsel appearing on behalf of the applicant submits that the applicant has been falsely involved in the crime in question as the applicant did not succumb to the demand made by the relatives of the deceased. He, therefore, submits that the applicant is entitled to be released on bail.

Shri C.N. Adgokar, the learned APP vehemently opposes the application. He submits that though the applicant has attended the Police Station in pursuance to the order passed by this Court on 25th July, 2006, he is not cooperating with the investigation.

The incident has occurred on 14th May, 2006. There is no plausible explanation as to why dying declaration was not recorded between 14th and 20th May, 2006. There is also no explanation as to why the First Information Report came to be lodged on 25th May, 2006 when the incident occurred on 14th May, 2006 and the deceased succumbed to the injuries on 20th May, 2006. In any case, the statements that alleged ill treatment are of the relatives of the deceased and as such there is no possibility of the applicant of influencing the witnesses.

In that view of the matter, I am inclined to allow the application. The application is allowed.

(1) The applicant is directed to be released on bail in the event of his arrest in connection with Crime No. 111 of 2006 registered by the Police Station, Pandharkawda on furnishing his bail bond of Rs.25,000/- (rupees twenty-five thousand only) with one or more sureties in the like amount.

(2) The applicant shall report to the Police Station, Pandharkawda as and when directed by the Investigating Officer.

(3) The applicant shall cooperate with the investigation. The applicant shall not in any way make an attempt to influence the witness or tamper with the evidence.

The observations made herein are purely prima facie in nature and the learned Sessions Judge would not be influenced in any manner by the observations made hereinabove.

JUDGE

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